

December 18, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., S.W., TW-A325
Washington, D.C. 20554

Re: ***EX PARTE VIA ELECTRONIC SUBMISSION***
In the Matter of Telephone Portability; CTIA Petitions for Declaratory Ruling on
Wireline-Wireless Porting Issues; CG Docket No. 95-116; In the Matter of Rules
and Regulations Implementing the Telephone Consumer Protection Act of 1991;
Report and Order; CG Docket No. 02-278

Dear Ms. Dortch:

On December 17, 2003 Tom McGarry, Greg Roberts, and Mindy Ginsburg, all of NeuStar, Inc.; Molly Hemsley, Vice President, Government Affairs and Legislative Counsel, of the Newspaper Association of America ("NAA"); Jerry Cerasale, Vice President, The Direct Marketing Association ("DMA"); and the undersigned, counsel for DMA met with K. Dane Snowden, Bureau Chief, Consumer & Governmental Affairs Bureau, Margaret Egler, and Gene Fullano of the Consumer & Governmental Affairs Bureau and Sanford Williams of the Wireline Competition Bureau of the Federal Communications Commission ("FCC").

The meeting was held to discuss options for making available data that will allow affected businesses to identify wireline numbers that have been ported to wireless service, consistent with the requirements of the Telephone Consumer Protection Act.¹ At the meeting, the parties discussed the development and provision by NeuStar of a file-based service that would feature a secure website wherein entities using autodialing technology could access and download the requisite data. The DMA, NAA, and NeuStar agreed to discuss the details associated with the authorization, creation and provision of a new data file designed to advance efforts to comply with the TCPA. Among the issues to be addressed by the parties will be the mechanism for data access, the frequency of the data provisioning, the actual data required, the parameters of the data to be included in the files, the restrictions on use of the data, and the pricing for the service.

¹ See In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, *Report and Order*, CC Docket 02-278 ¶ 165 (Released July 3, 2003) ("TCPA Order"); 47 U.S.C. § 227(b)(1) (2003).

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It was acknowledged that there is a regulatory element impacting entities that need to comply with TCPA to complete resolution in view of the varying ways telemarketing programs are carried out, but this issue does not involve NeuStar and will be addressed by the interested parties with the FCC once the specifics of the wireline-wireless porting data program are resolved.

Pursuant to 47 C.F.R. § 1.49(f), this *ex parte* letter will be filed electronically for inclusion in the public record of the above-referenced proceedings pursuant to 47 C.F.R. § 1.1206(b)(2).

Sincerely,

/s/

Ian D. Volner
Venable, LLP
Counsel for DMA

Jerry Cerasale
The Direct Marketing Association

Mindy Ginsburg
NeuStar, Inc.

E. Molly Hemsley
Newspaper Association of America